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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,088	01/20/2004	Teruaki Sogawa	040894-5991	7139

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EXAMINER

GOMA, TAWFIK A

ART UNIT PAPER NUMBER

2627

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,088

Applicant(s)

SOGAWA ET AL.

Examiner

Tawfik Goma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sogawa (US 2004/0017762)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Regarding claim 2, Sogawa (US 2004/0017762) discloses an optical pickup comprising: a base made of synthetic resin (6, fig. 3), the base having a light passage hole penetrating the base (12, fig. 3), a laser hole communicating with the light passage hole (28, 12, fig. 3), and threaded holes (21, fig. 3); a laser diode disposed in the laser hole (LD, fig. 3); a photodiode (par. 58); and a radiating plate having an engaging hole provided penetratingly in a substantially central portion of the radiating plate (7, fig. 3), the radiating plate being made to abut against a rear surface of the laser diode while positioning the engaging hole concentrically with the laser diode (fig. 3); wherein laser light is projected from the laser diode onto a disk and reflected light thereof is received by the photodiode so as to read information recorded on the disk (par. 10); slits are formed in the radiating plate to form a pair of tongues arranging an axis of the engaging hole therebetween (open areas near 20 and 7d, fig. 3); screw inserting portions formed in the respective tongues are made to communicate with the slits (20, 19, fig. 3); and screws are passed through the screw inserting portions of the tongues and screwed into the threaded holes of the base, thereby securing the radiating plate to the base (22, fig. 3).

Regarding claim 3, Sogawa discloses wherein an axis of the engaging hole is positioned on a phantom line connecting points of application of force generated at proximal end portions of the tongues when the screws are screwed in (diagonal line between holes, fig. 3 and fig. 5).

Regarding claim 5, Sogawa further discloses a metallic holder retained on a laser mounting surface formed at a periphery of an opening of the laser hole of the base (6, fig. 3 and par. 47), the holder having a retaining hole provided penetratingly in the holder concentrically with the laser hole (12, fig. 3); wherein the laser diode is fitted in the retaining hole (LD, fig. 6).

Regarding claim 6, Sogawa further discloses wherein the laser diode is clamped by the holder and the radiating plate (LD, fig. 3).

Regarding claim 7, wherein the screws are passed through the screw inserting portions of the tongues and through holes in the holder, and are screwed into the threaded holes formed in the laser mounting surface, thereby securing the radiating plate and the holder to the base (22, fig. 3, fig. 5 and par. 52).

Regarding claim 8, Sogawa discloses wherein a recessed portion is formed on one or both of an inner surface of the holder and a portion of the laser mounting surface excluding peripheral edge portions of the threaded holes, thereby defining a gap between the holder and the base (25, fig. 2 and 7d, fig. 3).

Regarding claim 9, Sogawa further discloses wherein a plurality of radiating fins are projectingly provided on the holder (26, fig. 3).

Allowable Subject Matter

Claim 1 is allowed.

Claim 1 is allowed over the prior art of record including closest US Patents to Lee (US 6034940) and Susuki (US 6377407) and publication to Sogawa (USPGPUB 2004/0017762) because the prior art of record, considered individually or in combination fails to disclose or fairly teach an optical pickup as claimed in claim 1 including the combination of a radiation plate slits are formed in the radiating plate to form a pair of tongues in the manner of point symmetry about an axis of the engaging hole; screw inserting portions formed in the respective tongues are made to communicate with the slits; screws are passed through the screw inserting portions of the tongues and the through holes of the holder, and are screwed into the threaded

holes of the laser mounting surface, thereby securing the radiating plate and the holder to the base; the axis of the engaging hole is positioned on a phantom line connecting points of application of force generated at proximal end portions of the tongues when the screws are screwed in, and distances from the axis to the respective points of application of force are set to be substantially identical; a recessed portion is formed on a portion of the laser mounting surface excluding peripheral edge portions of the threaded holes, thereby defining a gap between the holder and the base; and a plurality of radiating fins are projectingly provided on the holder.

Claim Objections

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 is allowable over the prior art of record including closest US Patents to Lee (US 6034940) and Susuki (US 6377407) and Sogawa (USPGPUB 2004/0017762) because the prior art of record, considered individually or in combination fails to disclose or fairly teach an optical pickup as claimed in claim 1 including the combination of a radiating where plate slits are formed in the radiating plate to form a pair of tongues in the manner of point symmetry about an axis of the engaging hole; screw inserting portions formed in the respective tongues are made to communicate with the slits; screws are passed through the screw inserting portions of the tongues and the through holes of the holder, and are screwed into the threaded holes of the laser mounting surface, thereby securing the radiating plate and the holder to the base; the axis of the engaging hole is positioned on a phantom line connecting points of application of force generated at proximal end portions of the tongues when the screws

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are screwed in, and distances from the axis to the respective points of application of force are set to be substantially identical;


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


T. Goma
12/7/2006


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